

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Clark Daniel Yanez-Sagastegui

Docket Number: 12-00284-001

PACTS Number: 61168

Name of Sentencing Judicial Officer: Nicholas G. Garaufis, USDJ - ED/NY

Name of Assigned Judicial Officer: Stanley R. Chesler, USDJ - D/NJ

Date of Original Sentence: 10/04/12

Original Offense: Importation of Cocaine

Original Sentence: 12 months and 1 day imprisonment; 3 years supervised release; \$100 special assessment. Special conditions include the preclusion of possessing a firearm; drug testing/treatment; maintaining full-time, verifiable employment and/or participation in an educational or vocational training program as directed by the Probation Department; participation in an English as a Second Language course; and not re-entering the United States illegally if deported.

Type of Supervision: Supervised Release

Date Supervision Commenced: 12/06/12

Assistant U.S. Attorney: David M. Eskew, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Lorraine S. Gauli-Rufo, Esq., Federal Public Defender, 1002 Broad Street, Newark, New Jersey 07102, (973) 645-634

PETITIONING THE COURT

- [] To issue a warrant
[X] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	The offender has violated the special supervision condition which states 'ALCOHOL/DRUG TESTING AND TREATMENT: You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.'

A drug test administered on December 6, 2012, the day of his release from Essex County Jail, Newark, New Jersey, Yanez-Sagastegui tested positive for marijuana. He admitted to smoking marijuana while in custody, and executed his signature on the Admission of Drug Use form. Yanez-Sagastegui was directed to participate in at least one Narcotics Anonymous meeting per week. To date, he has provided proof of his attendance at only one meeting.

- 2 The offender has violated the special supervision condition which states **'ALCOHOL/DRUG TESTING AND TREATMENT: You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.'**

A urine specimen collected on January 4, 2013, appeared positive for cocaine. Yanez-Sagastegui initially denied use. After repeated questioning, he contemplated that he may have used cocaine on New Year's Eve; however, he could not confirm this because he was admittedly highly intoxicated. On January 12, 2013, the laboratory confirmed the results of the instant test.

- 3 The offender has violated the standard supervision condition which states **'You shall notify the probation officer within 72 hours of any change of residence or employment.'**

On December 6, 2012, Yanez-Sagastegui reported that he would be residing at 316 Union Avenue, Paterson, New Jersey. In fact, he never lived at this address and he failed to report the correct address to the probation office.

- 4 The offender has violated the standard supervision condition which states **'You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.'**

On December 6, 2012, Yanez-Sagastegui reported to USPO Adriana Garcia that he would be residing at 316 Union Avenue, Paterson, New Jersey. On December 11, 2012, he confirmed that he was living at this address when interviewed by the undersigned. During an attempted home contact on December 13, 2012, the undersigned learned that Yanez-Sagastegui did not reside at that address. On that date, the undersigned located the offender at 80 Front Street, Paterson, New Jersey, the address he admitted he had been living at since his release.

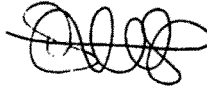
- 5 The offender has violated the standard supervision condition which states:
'As a condition of supervision, you are instructed to pay a special assessment in the amount of \$100 which shall be paid immediately.'

Yanez-Sagastegui has not paid the special assessment.

- 6 The offender has violated the special supervision condition which states **'The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.'**

Yanez-Sagastegui failed to report as directed on December 19, 2012, and January 17, 2013 (the day he was scheduled for a substance abuse assessment with Sr. PO Susan Karlak), and January 22, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

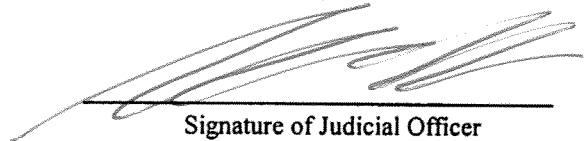


By: Denise Morales
U.S. Probation Officer

Date: 1/22/13 *KM*

THE COURT ORDERS:

- [] The Issuance of a Warrant
[☒] The Issuance of a Summons. Date of Hearing: *2/13/13 @ 12:00 noon*
[] No Action
[] Other



Signature of Judicial Officer

1/23/13
Date